UNITED STATES PATENT AND TRADEMARK OFFICE

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10/621,369	07/18/2003	Jang Geun Oh	HI-0159	4055

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ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/621,369	OH, JANG GEUN
	Examiner	Art Unit	
	Stephen G. Sherman	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8,10-23 and 25-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8,10-23 and 25-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed the 24 April 2006. Claims

1, 4-8, 10-23 and 25-43 are pending. Claims 2-3, 9 and 24 are cancelled.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 4-8, 10-23 and 25-35 and 40-42

have been considered but are moot in view of the new ground(s) of rejection.

3.   Applicant's arguments filed 24 April 2006 with respect to claims 36-39 have been

fully considered but they are not persuasive.

On page 17 of the amendment under the remarks section, starting on line 3 the

applicant argues the rejection of independent claim 36. The applicant argues that "for at

least similar reasons stated above, Mendelson does not teach all of the features of

independent claim 36." More specifically, the applicant underlines that the claim recites

"..until the display is driven at a predetermined brightness level," and "..to set a plurality

of different brightness control codes corresponding to a plurality of different

predetermined brightness levels." The examiner respectfully disagrees.

When the applicant argues earlier in the remarks section, the applicant was

arguing specific points of which he/she had amended to the claims, more specifically

that Mendelson does not teach of *comparing* the brightness signals with a plurality of

brightness signals. The applicant states: "...Mendelson does not teach or suggest the

claimed comparison of the received brightness signals with a plurality of brightness

signals set according to an output feature of display. More specifically, Mendelson

merely describes that a monitor-specific reference profile of a monitor 216 may be

stored in a second memory sections 595b of memory device 595.....The memory device

595 may be reprogrammed to update the reference profile...For example, brightness of

images may be measured and translated into <u>luminescence values</u>. The luminescence

values may be then recorded within the memory 595." The applicant admits that

Mendelson measures the brightness of images and sets luminescence *values*. In order

to be able to measure the brightness at the luminescence value the display would have

to be driven. Also, if luminescence values are measured and recorded, then a plurality

of brightness codes would be recorded for the different brightness levels. As stated in

the previous office action, Figure 9, step 935 refers to performing the measurements at

a plurality of levels. As stated in column 13, lines 9-15: "At step 935, the present

embodiment calculates the luminance ratios at various intensity settings." Therefore

Mendelson does teach the claimed "..until the display is driven at a predetermined

brightness level," and "..to set a plurality of different brightness control codes

corresponding to a plurality of different predetermined brightness levels."

Claim Objections

4.   Claim 1 is objected to because of the following informalities: the claim recites:

"...wherein the brightness control codes to selectively adjust a brightness of the display

screen,..." The examiner suggests changing this to state: ""...wherein the brightness

control codes ~~to~~ selectively adjust a brightness of the display screen,..." Appropriate

correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 1, 12, 23 and 43 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention.

Claims 1, 12, 23 and 43 recite "...a plurality of brightness signals set according to

an output feature of display and...", "...configured to store a plurality of brightness

control codes set by feature of a display by products that...", "the stored brightness

control codes are set by feature of the display by products.", and "configured to receive

the brightness signals and to compare the received brightness signals with a plurality of

brightness signals set according to an output feature of display by products"

respectively. There is nothing in the specification that allows the examiner to fully

understand what is meant by the phrases "feature of display," "feature of a display by

products," "feature of the display by products," or "feature of display by products."

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.   Claims 1, 12, 23 and 43 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding claim 1, a controller is claimed that is "configured to receive the

brightness signals and to compare the received brightness signals with a plurality of

brightness signals set according to an output feature of display and..." From the claim

language it is ambiguous as to what "output feature of display" refers to. Output feature

of display could be referring to the outputted intensity levels or a physical item that sets

the brightness signals or it could mean something completely different. For the purpose

of examination, the examiner will interpret that "output feature of display" refers to the

brightness outputted by the display.

Regarding claim 12, a memory is claimed that is "configured to store a plurality

of brightness control codes set by feature of a display by products that can be used by a

controller..." From the claim language it is ambiguous as to what "feature of display by

products" refers to. It could mean that the control codes are used by a controller and are set by feature of a "display by products" or it could mean that the control codes are set by feature of a display and the memory is configured to store the codes by products or it could mean that the control codes are set by feature of a display and are set by products that can be used by a controller or it could mean something completely different. For the purpose of examination, the examiner will interpret that the control codes are set by "feature of a display by products."

Regarding claim 23, a method is claimed where "the stored brightness control codes are set by feature of the display by products." From the claimed language it is ambiguous as to what "feature of display by products" refers to. It could mean that the control codes are set by "display by products" or are set by feature of the "display, by products" or it could mean something completely different. For the purpose of examination, the examiner will interpret that the control codes are set by "feature of a display by products."

Regarding claim 43, a controller is claimed that is "configured to receive the brightness signals and to compare the received brightness signals with a plurality of brightness signals set according to an output feature of display by products." From the claimed language it is ambiguous as to what "feature of display by products" refers to. It could mean that the control codes are set by "display by products" or are set by feature of the "display, by products" or it could mean something completely different. For the purpose of examination, the examiner will interpret that the control codes are set by "feature of a display by products."

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

10.   Claims 12-42 are rejected under 35 U.S.C. 102(e) as being anticipated by

Mendelson et al. (US 6,559,826).

Regarding claim 12, Mendelson et al. disclose a display screen for a computer

system (Figure 2), comprising:

       a display portion of the computer system for displaying an image (Figure 2, item

210); and

       a memory of the computer system configured to store a plurality of brightness

control codes set by feature of a display by products that can be used by the controller

of a computer system to set the display screen to a corresponding plurality of

predetermined brightness levels (Figure 6, item 595 and column 9, line 66 to column 10,

line 13. The examiner interprets that the display is part of the computer system,

therefore the memory 595 is a memory of the computer system. The examiner also

interprets that the sensor 610 is a product which sets the control codes based on the
output of the display, i.e. brightness. These control codes then can be used by the
controller to drive the display to a particular brightness. This is explained in Figure 11.).

Regarding claim 13, Mendelson et al. disclose the display screen according to
claim 12, wherein the memory is configured to store the brightness control codes in an
EDID format (Column 9, line 66 to column 10, line 13).

Regarding claim 14, Mendelson et al. disclose the display screen according to
claim 12, wherein the memory is configured to store inverter control codes that can be
used to control an inverter that supplies power to the display screen (Column 9, lines
28-42 and column 10, lines 56-67).

Regarding claim 15, Mendelson et al. disclose a computer system, comprising:

a display screen of the computer system (Figure 2, item 210);

a sensor of the computer system configured to sense a brightness of the display
screen at a plurality of brightness levels and to output brightness signals (Figure 6, item
610. Figure 11 shows in steps 1115-1130 that the sensor measures the brightness at a
plurality of brightness levels such that the values can be output to the cotnorller.); and

a controller of the computer system coupled to the display screen and the sensor
and configured to reset a plurality of brightness control codes corresponding to the
plurality of brightness levels based on the brightness output by the sensor (Figure 6,

item 590 is coupled to the display screen and the sensor 610. Column 9, lines 28-48

and column 11, lines 1-17. The examiner interprets that since the sensor 610 sends the

data to the monitor 216 and that MCU 593 contained within controller 590

communicates the measurement data, that the controller receives the brightness signal

from the sensor and outputs brightness control codes based on this data from the

sensor 610. Column 16, lines 7-16 explain that the updated reference profile replaces

the previously stored reference profile, meaning that the brightness codes would be

reset to the new values.).

Regarding claim 16, this claim is rejected under the same rationale as claim 7.

Regarding claim 17, Mendelson et al. discloses the computer system according

to claim 15, further comprising an inverter(Figure 6, item 570), coupled to the display

screen and the controller and configured to provide power to the display screen,

wherein the controller controls the inverter to adjust the brightness of the display screen

(Column 9, lines 28-42).

Regarding claim 18, Mendelson et al. disclose the computer system of claim 15,

wherein the controller is configured to generate brightness control codes based on the

brightness signal of the sensor, and wherein the brightness control codes can be used

to selectively adjust a brightness of the display screen (Column 9, lines 28-48and

column 11, lines 1-17. The examiner interprets that since the sensor 610 sends the

data to the monitor 216 and that MCU 593 contained within controller 590

communicates the measurement data, that the controller generates brightness control

codes based on this data from the sensor 610 and that since the appropriate control

signals are sent based on the measurement data from the sensor that the control codes

adjust the brightness of the display screen.).

Regarding claim 19, this claim is rejected under the same rationale as claim 6.

Regarding claim 20, this claim is rejected under the same rationale as claim 13.

Regarding claim 21, this claim is rejected under the same rationale as claim 11.

Regarding claim 22, Mendelson et al. disclose the computer system according

to claim 15,

wherein the sensor is installed at a center or one side of the display screen (Figures

10A and 10B).

Regarding claim 23, Mendelson et al. disclose a method for controlling a

brightness level of a display in a computer system, the method comprising:

reading brightness control codes from a memory of the display in the computer

system (Column 11,lines 1-17), wherein each of the brightness control codes

corresponds to a different predetermined brightness level of the display, and the stored

brightness control codes are set by feature of the display by products (The examiner

interprets that the sensor 610 shown in Figure 6 is a product which sets the control

codes based on the output of the display, i.e. brightness. These control codes then can

be used by the controller to drive the display to a particular brightness, each of the

brightness control codes would correspond to a brightness level of the display. This is

explained in Figure 11.); and

controlling a brightness of the display using the brightness control codes (Column

10, lines 56-67) and a brightness control codes received from a sensor (Column 9, lines

28-48 and column 11, lines 1-17. The examiner interprets that since the sensor 610

sends the data to the monitor 216 and that MCU 593 contained within controller 590

communicates the measurement data, that the controller receives the brightness signal

from the sensor and outputs brightness control codes based on this data from the

sensor 610.).

Regarding claim 25, this claim is rejected under the same rationale as claim 13.

Regarding claim 26, this claim is rejected under the same rationale as claim 11.

Regarding claim 27, this claim is rejected under the same rationale as claim 14.

Regarding claim 28, Mendelson et al. disclose a method of setting brightness control

codes for a display (Figure 9), comprising:

driving the display (Figure 9, step 910. The examiner interprets that to arm up the display it must be driven.);

sensing a brightness of the display (Figure 9, steps 920 and 930 and column 12, line 37 to column 13, line 8);

adjusting the driving of the display until the display is driven at a predetermined brightness level (Figure 9, steps 920 and 930 and column 12, line 37 to column 13, line 8. The examiner interprets that since the intensity levels are changed and that the measurements are taken as the intensities are displayed on the screen, that the driving is adjusted to display the intensity at a predetermined level.); and

setting a brightness control code corresponding to the predetermined brightness level (Figure 9, steps 940, 950 and 960. The examiner interprets that converting and storing the measurements would be setting a brightness control code.), wherein the driving includes initially driving the display using a brightness control code provided by a display manufacturer, and wherein setting the brightness control cod includes setting a new brightness control code that replaces the brightness control code provided by the display manufacturer (Column 10, lines 56-67 explains that initial brightness codes are set when the display is manufactured. The brightness codes can then be reprogrammed to update brightness codes in reference profiles to account for degradation of the display. When the new reference profile is used to provide the brightness control codes to the display, it is replacing the brightness control codes provided by the manufacturer, i.e. since the reference profile codes are used instead of the manufacturer's codes, they have replaced the previously used codes.).

Regarding claim 29, Mendelson et al. disclose the method according to claim

28,

wherein the driving comprises initially driving the display screen using a

brightness control code provided by the display manufacturer, and wherein the setting

step comprises setting a new brightness control code that replaces the brightness

control code provided by the display manufacturer (Column 10, lines 56-67).

Regarding claim 30, Mendelson et al. disclose the method according to claim

28,

wherein the driving, sensing adjusting and setting are preformed a plurality of

times to set a plurality of different brightness control codes corresponding to a plurality

of different predetermined brightness levels (Figure 9, step 935 states levels which

refers to a plurality.).

Regarding claim 31, Mendelson et al. disclose the method according to claim

30,

further comprising storing the plurality of brightness control codes in a memory of

the display (Figure 9, step 960).

Regarding claim 32, this claim is rejected under the same rationale as claim 6.

Regarding claim 33, this claim is rejected under the same rationale as claim 14.

Regarding claim 34, this claim is rejected under the same rationale as claim 11.

Regarding claim 35, this claim is rejected under the same rationale as claim 14.

Regarding claim 36, please refer to the rejections of claim 28 and 30.

Mendelson et al. also disclose

using one of the brightness control codes corresponding to a desired brightness

level to drive the display at the desired brightness level (Column 10, lines 56-67. The

examiner interprets that after the codes are set that the display would be driven using

one of the brightness control codes stored.).

Regarding claim 37, this claim is rejected under the same rationale as claim 14.

Regarding claim 38, Mendelson et al. disclose the method according to claim

36,

wherein the bright control code is set after the display is driven at the

predetermined brightness level (Figure 9. The examiner interprets that the code is set

in steps 940-960 after the display is driven in steps 910 and 920.).

Regarding claim 39, this claim is rejected under the same rationale as claim 13.

Regarding claim 40, this claim is rejected under the same rationale as claim 13.

Regarding claim 41, this claim is rejected under the same rationale as claim 38.

Regarding claim 42, this claim is rejected under the same rationale as claim 38.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

13.   Claims 1, 4-8, 10-11 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mendelson et al. (US 6,559,826) in view of Evanicky et al. (US

2003/0058202).

       Regarding claim 1, Mendelson et al. disclose an apparatus for setting

brightness control codes used to control a brightness of a display screen (Figure 6),

comprising:

       a sensor (Figure 6, item 610) configured to measure a brightness of a display

screen at each of a plurality of brightness levels and to output brightness signals

corresponding to each of the plurality of brightness levels (Column 9, lines 28-42. The

examiner interprets that the sensor 610 transmitting data directly to the LCD monitor

216 would be outputting a brightness signal. Figure11 in steps 1115-1130 displays

images at various brightness levels and measures these values with the gamma sensor.

The gamma sensor would have to output these values to the system in order for them to

be analyzed in the next steps.);

       a controller (Figure 6, item 590) configured to receive the brightness signals and

to output brightness control codes (Column 9, lines 28-48and column 11, lines 1-17.

The examiner interprets that since the sensor 610 sends the data to the monitor 216

and that MCU 593 contained within controller 590 communicates the measurement

data, that the controller receives the brightness signal from the sensor and outputs

brightness control codes based on this data from the sensor 610.),

wherein the brightness control codes selectively adjust a brightness of the

display screen (Column 9, lines 43-48. The examiner interprets that since the

appropriate control signals are sent based on the measurement data from the sensor

that the control codes adjust the brightness of the display screen.),

the brightness control codes structured in an EDID format (Column 9, line 66 to

column 10, line 13).

Mendelson et al. fail to teach that the controller is configured to receive the

brightness signals and to compare the received brightness signals with a plurality of

brightness signals set according to an output feature of display and to output brightness

control codes based on the comparison.

Evanicky et al. disclose of an apparatus for setting brightness control codes

comprising a controller that is configured to receive brightness signals and to compare

the received brightness signals with a plurality of brightness signals set according to an

output feature of display and to output brightness control codes based on the

comparison (Paragraph [0031] and Appendix A explain that the software module 172

and microcontroller 140 determine brightness levels to calibrate a display, where the

brightness of display between different sources can be determined at a plurality of

different levels, such as minimum and maximum intensity levels, the microcontroller

then can output the brightness signals to the display. The examiner interprets that the

sensor used to measure the brightness, Figure 1 item 102, is a product which sets the

control codes based on the output of the display, i.e. brightness. These control codes

then can be used by the controller to drive the display to a particular brightness.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the

time the invention was made to use the brightness level measuring scheme taught by

Evanicky et al. to replace the measuring scheme taught by Mendelson et al. in order to

create a calibration method of an LCD that does not alter the cell gap spacing and

collects luminance information orthogonal to the surface of the glass with a narrow

acceptance angle.

Regarding claim 4, Mendelson et al. and Evanicky et al. disclose the apparatus

of claim 1.

Mendelson et al. also disclose wherein the controller is configured to record the

brightness control codes in a memory of a computer system (Column 9, lines 43-47 and

column 4, lines 59-67 and Figure 1, items 13,14 and 15. The examiner interprets that

since the codes are sent to the computer system and that the computer system has

memory that the codes would be stored there.).

Regarding claim 5, Mendelson et al. and Evanicky et al. disclose the apparatus

according to claim 1,

Mendelson et al. also disclose wherein the controller is configured to record the

brightness control codes in a memory of the display screen (Figure 6, item 595).

Regarding claim 6, Mendelson et al. and Evanicky et al. disclose the apparatus

according to claim 1,

Mendelson et al. also disclose wherein the controller is configured to output the

brightness control codes to at least one of a system BIOS of a computer, an operating

system of a computer, and a microcontroller of a computer system (Column 9, lines 43-

47 and column 4, lines 59-67 and Figure 1, items 12 and 19. The examiner interprets

that since the codes are sent to the computer system and that the computer system has

an operating system and processors 12 and 19 that the codes are output to at least one

of these items in the computer system.)

Regarding claim 7, Mendelson et al. and Evanicky et al. disclose the apparatus

according to claim 1,

Mendelson et al. also disclose wherein the sensor comprises at least on

photodiode (Figure 6, item 610 shows a light sensor. It would be inherent that the light

sensor would be a photodiode since a photodiode is commonly used to sense light.).

Regarding claim 8, Mendelson et al. and Evanicky et al. disclose the apparatus

according to claim 1,

Mendelson et al. also disclose wherein the senor comprises a jig configured to be

temporarily attached to the display screen (Figure 10A and 10B, item 1048 holds the

sensor so that it is able to be temporarily attached to the display screen.).

Regarding claim 10, Mendelson et al. and Evanicky et al. disclose the

apparatus according to claim 1,

Mendelson et al. also disclose wherein the brightness control codes comprise

information used to control a power inverter of a liquid crystal display (Figure 6, item

570 and column 9, lines 28-42).

Regarding claim 11, Mendelson et al. and Evanicky et al. disclose the

apparatus of claim 1,

Mendelson et al. also disclose wherein the brightness control codes includes

high temperature brightness control codes that indicate how to control the brightness of

the display screen when the display screen is operated at high temperatures (Column

10, lines 56-67).

Regarding claim 43, Mendelson et al. disclose an apparatus for setting

brightness control codes used to control a brightness of a display screen (Figure 6),

comprising:

a sensor (Figure 6, item 610) configured to measure a brightness of a display

screen and to output a brightness signal (Column 9, lines 28-42. The examiner

interprets that the sensor 610 transmitting data directly to the LCD monitor 216 would

be outputting a brightness signal. Figure 11 in steps 1115-1130 displays images at

various brightness levels and measures these values with the gamma sensor. The

gamma sensor would have to output these values to the system in order for them to be

analyzed in the next steps.);

a controller (Figure 6, item 590) configured to receive the brightness signals and

to output brightness control codes (Column 9, lines 28-48and column 11, lines 1-17.

The examiner interprets that since the sensor 610 sends the data to the monitor 216

and that MCU 593 contained within controller 590 communicates the measurement

data, that the controller receives the brightness signal from the sensor and outputs

brightness control codes based on this data from the sensor 610.),

wherein the brightness control codes selectively adjust a brightness of the

display screen (Column 9, lines 43-48. The examiner interprets that since the

appropriate control signals are sent based on the measurement data from the sensor

that the control codes adjust the brightness of the display screen.),

Mendelson et al. fail to teach that the controller is configured to receive the

brightness signal and to compare the received brightness signals with a plurality of

brightness signals set according to an output feature of display by products and to

output brightness control codes based on the comparison.

Evanicky et al. disclose of an apparatus for setting brightness control codes

comprising a controller that is configured to receive brightness signals and to compare

the received brightness signals with a plurality of brightness signals set according to an

output feature of display by products and to output brightness control codes based on

the comparison (Paragraph [0031] and Appendix A explain that the software module

172 and microcontroller 140 determine brightness levels to calibrate a display, where

the brightness of display between different sources can be determined at a plurality of

different levels, such as minimum and maximum intensity levels, the microcontroller

then can output the brightness signals to the display. The examiner interprets that the

sensor used to measure the brightness, Figure 1 item 102, is a product which sets the

control codes based on the output of the display, i.e. brightness. These control codes

then can be used by the controller to drive the display to a particular brightness.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the

time the invention was made to use the brightness level measuring scheme taught by

Evanicky et al. to replace the measuring scheme taught by Mendelson et al. in order to

create a calibration method of an LCD that does not alter the cell gap spacing and

collects luminance information orthogonal to the surface of the glass with a narrow

acceptance angle.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen G. Sherman whose telephone number is (571)

272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SS

22 May 2006

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNO... ...600